

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CW KEARSE, LLC d/b/a	:	
FORSYTHIA,	:	
<i>Plaintiff</i>	:	CIVIL ACTION
	:	
v.	:	
	:	
CUMBERLAND MUTUAL FIRE	:	
INSURANCE COMPANY,	:	
<i>Defendant</i>	:	No. 23-3936

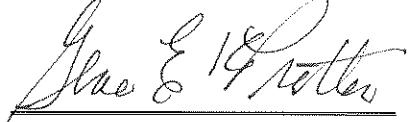
ORDER

AND NOW, this 9th day of May, 2024, upon consideration of Cumberland Mutual Fire Insurance Company's Partial Motion to Dismiss (Doc. No. 19), CW Kearse's Response in Opposition (Doc. No. 20), and Cumberland Mutual's Reply in Support of the Partial Motion to Dismiss (Doc. No. 21), and for the reasons set forth in the accompanying memorandum, it is

ORDERED that:

1. The Partial Motion to Dismiss the Amended Complaint (Doc. No. 19) is **GRANTED**.
2. CW Kearse's bad faith claim (Count II) of the Amended Complaint is **DISMISSED WITHOUT PREJUDICE**.
3. Within twenty-one (21) days of this Order, CW Kearse may, consistent with the Memorandum, file an amended complaint reasserting its claims with additional factual allegations to support Count II. If CW Kearse fails to timely file an amended complaint, the case will proceed on Count 1 of the Amended Complaint, *see* Doc. No. 14.

BY THE COURT:



GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE